



CMS Informal Waiver Review Questions

Service Definitions

Waiver Section: Module 1

Questions asked of:

- Comprehensive Waiver Only
 - 1. Does the revision of service definitions create any limitation of services not included in the approved waiver?

Appendix C-1/C-3 Participant Services: Provider Specifications

Questions asked of:

- Both Adult Day and Comprehensive Waivers
 - 9 & 11. Please specify if criminal background checks, a valid driver's license and a minimum age conditions of employment as a direct support worker?
 - 10 & 12. Please explain the distinguishing factor in determining whether a provider's qualifications are verified annually versus bi-annually.
 - 11 & 13. Under Other Standard for several distinct services, it indicates the provider staff must "prepare and serve any appropriate meals and/or snacks to meet the individual's dietary needs..." this standard doesn't appear to be appropriate considering the service definition. Please verify or remove for the following service provider types
- Comprehensive Waiver Only
 - 14. Within provider qualifications for Respite and CLDS, there is a reference to the functioning level of the "child" as a provider and the need for the independent provider's parent to sign the service provider agreement if it is a non-emancipated minor. Please consider whether this presents an unnecessary risk to the health and safety of the participant and demonstrate how that individual is the only willing and qualified provider for the service.

Appendix C-1/C-3 Participant Services: Day Habilitation

Questions asked of:

- Adult Day Waiver Only
 - 12. The service definition states that day habilitation services may reinforce skills taught in therapy, counseling sessions and other sessions. By other sessions, do you mean therapies?
 - 13. Do the credentials of the Day Habilitation provider include skills that would support their ability to help reinforce skills taught in therapy and counseling sessions?
- Comprehensive Waiver Only
 - 15. The state should clarify that this service existed in the approved waiver, but is being modified with this renewal.
 - 16. How has the state addressed potentially isolating effect of this congregate setting?
 - 17. How does the state ensure access to food beyond “snack” given the amount of time an individual might receive the service on any particular day?

Appendix C-1/C-3 Participant Services: Group Home Residential

Questions asked of:

- Comprehensive Waiver Only
 - 18. How will the state address visitors?
 - 19. How will the state address access to food?
 - 20. How will the state address privacy and lockable doors, restricted staff access?

Appendix C-1/C-3 Participant Services: Integrated Community Employment

Questions asked of:

- Both Adult Day and Comprehensive Waivers
 - 19 & 21. The application reads: "Income from customized home-based businesses may not be commensurate with minimum wage requirements with other employment. No more than two individuals may participate in a home-based business at the same participant directed companion home." Please explain the parameters for customized home-based businesses to ensure meaningful interaction with the community for integrated community employment and how any unintended isolating effect is mitigated. 10 & 12. Please explain the distinguishing factor in determining whether a provider's qualifications are verified annually versus bi-annually.
 - 15 & 23. Please specify if personal care assistance is included or separate from this service and support.

(continued) **Appendix C-1/C-3 Participant Services: Integrated Community Employment**

Questions asked of:

- **Adult Day Waiver Only**

- 16. Please clarify if provider reimbursement for this service is paid for the direct care providers direct time and service delivered to the individual.
- 17. Please explain if there is a difference in provider reimbursement for stabilization and extended ICE.
- 18. Under Other Standard, the provider staff must "prepare and serve any appropriate meals and/or snacks to meet the individual's dietary needs..." this standard doesn't appear to be appropriate considering the service definition. Please verify or remove for the service provider type.

- **Comprehensive Waiver Only**

- 22. In other specifications: the provider staff must "prepare and serve any appropriate meals and/or snacks to meet the individual's dietary needs..." We believe this is in this section in error as it would be quite difficult to maintain this standard in a community based integrated work site. How does the state address provision of meals and snacks in an integrated community employment setting? Please verify or remove.

Appendix C-1/C-3 Participant Services: Respite

Questions asked of:

- Both Adult Day and Comprehensive Waivers
 - 21 & 26. The discussion of respite provided outside the family home suggests the "family visit the facility or where the service is to be provided and agree to the provision of services in that location." A facility is not delineated among the settings for the service. Please clarify all possible settings for this service.
- Adult Day Waiver Only
 - 20. Please clarify whether respite cannot be provided for over an amount of time that would constitute a person consuming 3 meals. The statement that meals provided as part of these services shall not constitute a full nutritional regime is confusing if an individual may need to receive 2 days-48 hours of respite (example: weekend).
- Comprehensive Waiver Only
 - 24. Within provider qualifications, there is a reference to the functioning level of the "child" as a provider and the need for the independent provider's parent to sign the service provider agreement if it is a non-emancipated minor. Please consider whether this presents an unnecessary risk to the health and safety of the participant and demonstrate how that individual is the only willing and qualified provider for the service.
 - 25. Please refine the language surrounding nutrition for this service. The current language specifies that meals provided as a part of this service shall not constitute a full nutritional regimen. The unit of service can equal a day if it lasts for eight or more hours. In instances where the service is 1 day or longer, it seems that in fact the respite provider would be responsible for the full nutritional regimen.

Appendix C-1/C-3 Participant Services: Assistive Technology

Questions asked of:

- Adult Day Waiver Only
 - 14. Please specify how individuals in provider owned/controlled settings have their needs met regarding ATS, e.g. residential settings are responsible for installing grab bars in household restrooms as needed.
- Comprehensive Waiver Only
 - 27. The state indicates in its service definition that, "Permanently attached devices, controls and appliances may not be installed in residential settings that are owned or leased by providers of waiver services." How would an individual who requires grab bars in the bathroom or hallway, or other similar attached devices, for their health and safety have those needs met? Are there similar limitations on the use of funds for provider owned vehicle modifications? Can the \$5,000 be used to purchase or lease a vehicle with or without accessibility modifications, if appropriate for the individual? Can ATS funds be used to repair a vehicle? Is there any exception process if an ATS device needed for health and safety exceeds the \$5000 annual limit?

Appendix C-1/C-3 Participant Services: Behavioral Risk Services

Questions asked of:

- Comprehensive Waiver Only
 - 28. The State's description and detail of service components contain multiple types of services that are generally considered to be separate services and may not be consolidated under a single definition. There appears to be a significant bundling of day and residential habilitation along with behavioral intervention or psychiatric services. The teaching and learning of various skill delineated further overlap with day habilitation or residential services. The State must separate unrelated services. Please refer to the HCBS technical guide core definitions beginning on page 140 and page 116-117 for an explanation of bundling services.
 - 29. The current language specifies that meals provided as a part of this service shall not constitute a full nutritional regimen. The unit of service can be provided 24/7 and as a continuous service. Accordingly, there are instances when the full nutritional regimen would seem appropriate. Additionally, this service seems to replace day and or residential services such that the failure to address nutrition issues could present a health and welfare concern. Please refine the language surrounding nutrition for this service.

Appendix C-1/C-3 Participant Services: Community Living and Day Support

Questions asked of:

- Both Adult Day and Comprehensive Waivers
 - 22 & 30. The State's description and detail of service components are multiple types of services that are generally considered to be separate services and may not be consolidated under a single definition. There appears to be a significant bundling of personal care, day and residential habilitation, case management, homemaker, prevocational, and employment-related services. The State must separate unrelated services. Please refer to the HCBS technical guide core definitions beginning on page 140 and page 116-117 for an explanation of bundling services.
 - 24 & 31. Day habilitation may not provide reimbursement of services vocational in nature. See Page 140 of HCBS technical guide. Day habilitation services and vocational services must be separated as distinct services. Also, the service definition gives the impression that informal supports, natural teaching moments are paid/ reimbursed to the provider.
- Adult Day Waiver Only
 - 23. The lines of responsibility become blurred when the State indicates that "CLDS is generally not delivered in the provider's home." The nature of CLDS is similar in nature, in part, to the responsibilities one would expect to find in a provider's residential setting (e.g., assistance with hygiene, bathing, eating, dressing, and grooming, etc.) and household activities to maintain a home living environment. CMS believes that the State should include in its limits section a statement that CLDS cannot be provided in a provider's home to make this distinction perfectly clear or please provide an explanation why is would be allowed in a provider's home.
- Comprehensive Waiver Only
 - 32. Within provider qualifications, there is a reference to the functioning level of the "child" as a provider and the need for the independent provider's parent to sign the service provider agreement if it is a non-emancipated minor. Please consider whether this presents an unnecessary risk to the health and safety of the participant and demonstrate how that individual is the only willing and qualified provider for the service.

Appendix C-1/C-3 Participant Services: Companion Home Residential Services

Questions asked of:

- Comprehensive Waiver Only
 - 33. Within the definition it states the services are expected to begin at 6 AM daily. Please explain why there is a morning parameter only and clarify the maximum units of service in a 24 hour period.
 - 34. While a tenancy agreement is noted, how does the state address visitors?
 - 35. How will the state address access to food?
 - 36. How will the state address privacy and lockable doors, restricted staff access?

Appendix C-1/C-3 Participant Services: Extended Family Home Residential

Questions asked of:

- Comprehensive Waiver Only
 - 37. Within the definition it states the services are expected to begin at 6 AM daily. Please explain why there is a morning parameter only and clarify the maximum units of service in a 24 hour period.
 - 38. How will the state address a lease or tenancy agreement?
 - 39. How does the state address visitors in this setting?
 - 40. How will the state address access to food in this setting?
 - 41. How will the state address privacy and lockable doors, restricted staff access in this setting?

Appendix C-1/C-3 Participant Services: Home Modifications

Questions asked of:

- Comprehensive Waiver Only
 - 42. Given that this service is not available in provider controlled settings, how is this need met in that instance?
 - 43. Is there any sort of appeal or exceptions process if a needed modification exceeds the \$5000 annual cost limit?

Appendix C-1/C-3 Participant Services: In-Home Residential

Questions asked of:

- Comprehensive Waiver Only
 - 44. The State's description and detail of service components are multiple types of services that are generally considered to be separate services and may not be consolidated under a single definition. There appears to be a significant bundling of personal care, residential habilitation, and homemaker services. The State must separate unrelated services. Please refer to the HCBS technical guide core definitions beginning on page 140 and page 116-117 for explanation of bundling services.

Appendix C-1/C-3 Participant Services: Retirement Services

Questions asked of:

- Both Adult Day and Comprehensive Waivers
 - 25 & 45. Please clarify whether the state has established an age when individuals may access this particular service. The first sentence of the service description appears to be limiting which is prohibited. Due to the nature of individuals' disabilities, individuals may retire at an earlier age than the general, non-disabled public.
 - 26 & 46. The State's description and detail of service components are multiple types of services that are generally considered to be separate services and may not be consolidated under a single definition. There appears to be a significant bundling of day and residential habilitation, which also include different levels of frequency for delivery of the services, e.g. continuous and intermittent. The State must separate unrelated services. Please refer to the HCBS technical guide core definitions beginning on page 140 and page 116-117 for explanation of bundling services.

Appendix C-1/C-3 Participant Services: Supported Integrated Employment

Questions asked of:

- Both Adult Day and Comprehensive Waivers
 - 27 & 47. Under Other Standard, the provider staff must "prepare and serve any appropriate meals and/or snacks to meet the individual's dietary needs..." this standard doesn't appear to be appropriate considering the service definition. Please verify or remove for the service provider type.